

**MINUTES OF THE LAFAYETTE COMMON COUNCIL**  
**JUNE 7, 1999**  
**REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, June 7, 1999, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Probasco called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Boehning, Phillips, Meyer, Campbell, Brown, Rhoda, Fisher, Smith, Probasco  
Absent: None

The Clerk stated that there was a quorum present.

Councilman Campbell moved to recess for a Public Hearing on Ordinance 99-10 and Ordinance 99-16, Councilman Fisher seconded. The motion passed by unanimous voice vote. The Clerk read Ordinance 99-10 (An Ordinance to Vacate a Portion of the Public Right of Way in the City of Lafayette, Indiana, The Roman Catholic Diocese of Lafayette, Indiana, Petitioner) by title only. Jeff Newell, representing the petitioner, stated that he was available for questions. The Clerk read Ordinance 99-16 (An Ordinance Ratifying Ordinance 98-67 Establishing the Budget for the Lafayette Railroad Relocation Project for the Fiscal Year Beginning January 1, 1999 and Ending December 31, 1999) by title only. Councilman Campbell moved to reconvene the regular session, Councilman Fisher seconded. The motion to reconvene passed by unanimous voice vote.

Councilman Boehning moved to approve the Minutes of the May 10, 1999 regular meeting, Councilman Smith seconded. The minutes were approved by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Clerk's Office Monthly Reports– April 1999  
Controller's Office Monthly Report - April 1999  
Department of Finance 1998 Annual Report  
Motor Vehicle Report – April 1999  
Police Traffic Report – April 1999  
Police Department Monthly Report - January and February 1998 and April 1999  
Miscellaneous Monthly Department Reports

***Ordinances for Second Reading:***

The Clerk read Ordinance 99-10 (An Ordinance to Vacate a Portion of the Public Right of Way in the City of Lafayette, Indiana, The Roman Catholic Diocese of Lafayette, Indiana, Petitioner) by title only for second and final reading. Councilman Meyer moved for passage, Councilman Phillips seconded. Jeff Newell, representing the petitioner explained the reason for the ordinance was to vacate an alley. Ordinance 99-10 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-15 (An Ordinance Amending Lafayette City Code of Ordinances Section 93.03 Pertaining to Fireworks) by title only for second and final reading. Councilman Phillips moved for passage, Councilman Brown seconded. Ordinance 99-15 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-16 (An Ordinance Ratifying Ordinance 98-67 Establishing the Budget for the Lafayette Railroad Relocation Project for the Fiscal Year Beginning January 1, 1999 and Ending December 31, 1999) by title only for second and final reading. Councilman Meyer moved for passage, Councilman Fisher seconded. Ordinance 99-16 passed 8-0 on a roll call vote.

***Ordinances for First Reading:***

The Clerk read Ordinance 99-17 (An Ordinance Amending the 1999-2000 Salaries for the Fire Department) by title only for first reading. Councilman Campbell moved for passage, Councilman Smith seconded. Ordinance 99-17 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-18 (An Ordinance Amending Chapters 1 and 6 of Ordinance No. 97-51 Being the Unified Zoning Ordinance of Tippecanoe County, Amendment 11) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Meyer seconded. Councilman Meyer stated that council is familiar with this proposal to add protection for historic buildings. Councilman Meyer stated that the ordinance would protect historic buildings in historic districts as well as throughout the City of Lafayette as defined in the historic inventory. Councilman Meyer thanked the Area Plan Commission and encouraged council support. Elizabeth Mork, Wabash Valley Trust for Historic Preservation, spoke in favor of the proposal. Ordinance 99-18 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-19 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate from GB to PDRS, 5<sup>th</sup> Street Brownstone, LLC, Petitioner) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Smith seconded. Phyllis Hunt, 602 N. 5<sup>th</sup> Street, stated that she owns and lives on the property and encouraged council support. David Reap, 212 S. 9<sup>th</sup> Street, President of the Neighborhood Action Committee, spoke in support of the proposal. Councilman Boehning asked if there was a time limit to for the units to be owner occupied. Sherry McLauchlan, Community Development, stated that there is a 15 year requirement for at least one of the units to be owner occupied. Ordinance 99-19 passed 8-0 on a roll call vote. President Probasco thanked the neighborhood for their hard work on the proposal.

The Clerk read Ordinance 99-20 (An Ordinance Amending Ordinance 98-38 Pertaining to School Crossing Guards) by title only for first reading. Councilman Smith moved for passage, Councilman Campbell seconded. Councilman Campbell asked if there was any movement to compensate some crossing guards more than others based on the difficult nature of the intersection to which they are assigned. Lt. James DesEnfants, explained the proposal and the long term goals of the Police Department for crossing guards. Councilman Meyer asked if the positions were looked at with the personnel study. Lt. DesEnfants explained the part-time nature of the position. Councilman Phillips asked if it was difficult to fill the positions. Lt. DesEnfants stated that it is not difficult to fill the positions. Ordinance 99-20 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-21 (An Ordinance Replacing the Existing Code of Ordinances with a Technically Revised Code of Ordinances for the City of Lafayette, Indiana) by title only for first reading. Councilman Rhoda moved for passage, Councilman Boehning seconded. Ordinance 99-21 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-22 (An Amendment to Ordinance 98-32 Inclusion of Certain Property in the Local Ninth Street Hill Historic District in the City of Lafayette, Indiana) by title only for first reading. Councilman Phillips moved for passage, Councilman Brown seconded. President Probasco stated that this is

appropriate and it is exciting to continue to add properties to this ordinance. David Reap, 212 S. 9<sup>th</sup> Street, stated that he is the owner of the properties and encouraged council support. Ordinance 99-22 passed 8-0 on a roll call vote.

### ***Resolutions:***

The Clerk read Resolution 99-17 (A Reimbursement Resolution for the Design, Renovation, and Expansion of the Wastewater Treatment Plant) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Meyer seconded. Resolution 99-17 passed 8-0 on a roll call vote.

The Clerk read Resolution 99-18 (A Resolution Creating the Animal Control Commission) by title only for first and final reading. Councilman Phillips moved to table the resolution until time uncertain, Councilman Meyer seconded. Councilman Meyer explained that due to the recent information provided by the Humane Society, it is appropriate to table this resolution. President Probasco further explained the reasons to table the proposal. Councilman Boehning asked if the Humane Society intends to complete the current contract and President Probasco stated that they would complete the contract. The motion to table Resolution 99-18 passed by unanimous voice vote.

The Clerk read Resolution 99-19 (A Resolution Authorizing the Purchase of Real Estate Located on the Corner of Main and Kossuth Streets) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Smith seconded. Councilman Campbell asked about the right of imminent domain and the ability to condemn the property for a turn lane. Eric Burns, City Attorney, explained that this is not possible because the current traffic does not warrant an additional turn lane. Opal Kuhl, City Engineer, stated that there has been a level of service analysis conducted at the intersection, and stated that an additional lane would improve the traffic, but would not increase the level of service to justify immanent domain. Mr. Burns further explained the course of action that has been taken with this property and the future steps that need to be taken. Mr. Burns explained that this proposal would allow the city to negotiate favorable terms for the purchase of the property. Councilman Boehning asked if Osco Drug Store is interested in the property and asked why they have not purchased the property, Mr. Burns explained the difficulty with the property and the potential interested parties. Councilman Phillips inquired about the environmental impact of the price of the property. Mr. Burns explained that there are Brownfield remediation monies available from the state to clean up the site. Councilman Brown stated that he is sympathetic to the blight situation but asked if purchasing the property is rewarding the owner. Mr. Burns stated that there are many letters from the city to the owner for many years and it is now up to the council to act on the situation. Mr. Burns stated that this is the last resort in the process. Councilman Meyer stated that there is cost associated with the demolition of the existing building. Mr. Burns stated that there are negotiations occurring with Osco Drug Store on this issue. Councilman Rhoda stated that this has been a continuing issue in his council district. Councilman Smith stated that remediation is only an issue if the use changes. Councilman Fisher stated that the city has purchased property in many instances and gave several examples. Councilman Campbell stated that he has concerns about eyesores throughout the city. Councilman Phillips asked if there were any additional opportunities for council to review this proposal. Mr. Burns stated that this is a step that council needs to assess in order to move along. Councilman Brown stated his concern for the environmental problems on the property. Councilman Rhoda asked about Brownfield funds available from the state. Councilman Smith asked if a maximum purchase price could be placed on the purchase of the property. Mr. Burns stated that this should not be a problem. Kevin Osborn, 1808 N. 15<sup>th</sup> Street, stated that he is interested in the property for a high tech computer laboratory and would like to renovate the property. Mr. Osborn stated that he could not purchase the property through the current owner. Sandy Lahr, 822 Kossuth Street, stated that she is interested in the future of the property and is excited about moving forward to clean up the property. Councilman Meyer inquired about the historical value of the property. Eileen Hession-Weiss, 35 Windy Hill Drive, asked several questions. Mr. Burns stated that the City of Lafayette cannot condemn the building because it is structurally sound. Mr. Burns further stated that

he intends to negotiate for future right of way for a turn lane. Resolution 99-19 passed 7-1 on a roll call vote with the vote being as follows:

Ayes:       Boehning, Phillips, Meyer, Campbell, Rhoda, Fisher, Smith  
Nays:       Brown

The Clerk read Resolution 99-20 (A Resolution for Home Investment Fund to Continue with a Housing Consortium Among the Cities of Lafayette and West Lafayette, and the County of Tippecanoe) by title only for first and final reading. Councilman Smith moved for passage, Councilman Boehning seconded. Sherry McLauchlan, Community Development Director, explained the proposal. Resolution 99-20 passed 8-0 on a roll call vote.

The Clerk read Resolution 99-21 (A Resolution Approving An Amendment to the Statement of Benefits) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Rhoda seconded. Peggy Clary, stated that she agreed with this tax abatement because she felt that it is being correctly utilized. Joe Mitchell, 3624 Sunnyview Drive, stated that business has been very good with Hanson Cold Storage and has allowed the additional growth for the company. Resolution 99-21 passed 8-0 on a roll call vote.

There were no Reports of Standing Committees or Reports of Special Committees.

There was no report by Mayor Heath.

There were no Miscellaneous or New Business.

There was no Public Comment.

Reports of Councilman: Councilman Fisher reported that on the last report from the compliance with statement of benefits it showed 348 new jobs created, 974 jobs retained, \$3,843,370 in increased assessed valuation. Councilman Fisher expressed his feeling that these numbers prove that tax abatements work. Councilman Brown asked about requirements in the city code to put up fences around swimming pools and inquired about the city retention ponds that do not have fences. Mr. Burns stated that this has been looked into and problems are created for safety personnel and the retention ponds are designed in a step concept to avoid accidents. Ms. Kuhl stated that there may be some ponds in the county that were constructed prior to the current drainage ordinance that may not have the ledge design. President Probasco stated that in his occupation fenced areas are dangerous. Councilman Meyer stated that he is concerned about safety and security in the park system and would like to hear about possible security measures by the Police Department.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Rhoda seconded. The Motion passed by unanimous voice vote. Time being 8:17 p.m.

Minutes prepared by Lisa Decker, City Clerk.

*A tape recording of this council meeting is maintained in the City Clerk's Office.*